

HARDY AND CAREY, L.L.P.  
ATTORNEYS AT LAW  
111 VETERANS BOULEVARD  
SUITE 255  
METAIRIE, LOUISIANA 70005  
TELEPHONE: 504-830-4646  
TELEFAX 504-830-4659

November 14, 1996

1073-0002

**By Hand**

Mr. William Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL  
**RECEIVED**

**NOV 15 1996**

Federal Communications Commission  
Office of Secretary

**RE: Radio Station WLTS-FM  
Petition for Rulemaking**

Dear Mr. Caton:

I enclose herewith an original and four copies of a *Petition for Rulemaking* to be filed with the Commission on behalf of our client, Phase II Broadcasting. I have also enclosed an additional copy for date stamping and return in due course.

Should you have any questions, please direct them to the undersigned.

Respectfully submitted,

  
Michael Lamers

JML/vm

Enclosure

No. of Copies rec'd  
List ABCDE

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**Before the  
FEDERAL COMMUNICATIONS COMMISSION RECEIVED  
Washington, D.C. 20554**

**NOV 15 1996**

**In the Matter of**

Federal Communications Commission  
Office of Secretary

**Amendment of Section 73.202(b)  
of the Commission's Rules  
FM Broadcast Station WLTS-FM**

**RM-**

**MM Docket No. \_\_\_\_\_**

**Slidell, Louisiana  
Kenner, Louisiana**

**To: Chief, Allocations Branch**

**Petition for Rulemaking**

**November 15 , 1996**

**Ashton R. Hardy  
Bradford D. Carey  
Michael Lamers  
Hardy & Carey, L.L.P.  
111 Veterans Blvd.  
Suite 255  
Metairie, Louisiana 70005  
(504) 830-4646**

### **Petition for Rulemaking**

Phase II Broadcasting ("Phase II"), through counsel and pursuant to Sections 1.420(i) and 73.202(b) of the Commission's Rules, hereby petitions the Commission to amend the FM table of allotments to substitute Channel 287C at Kenner, Louisiana for Channel 287C at Slidell, Louisiana, and to modify the license of WLTS-FM ("WLTS") to specify Kenner rather than Slidell as the community of license.<sup>1</sup> In support of this petition, Phase II shows the following:

**I. Kenner is entitled to receive a first local radio service because it is separate and distinct from New Orleans.**

Kenner is Louisiana's fifth most populous city and occupies a total area of roughly 15 square miles. At present, although the city receives radio signals from stations licensed to New Orleans and other communities, no radio stations are licensed to the community of Kenner. A local radio station would provide Kenner with a much-needed broadcast outlet for local self-expression which is not currently provided by stations licensed to serve New Orleans or the surrounding communities. Phase II wishes to provide Kenner with its first local radio service by reallocating Channel 287C from Slidell to Kenner. This move will simultaneously result in a preferred allotment arrangement in support of the Commission's allotment priorities.

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<sup>1</sup> Pursuant to Section 1.420(i), the proposed allotment change can be accomplished without competition from other applicants because the Kenner allotment is mutually exclusive with the present Slidell allotment.

Major portions of Kenner are located within New Orleans' Urbanized Area.<sup>2</sup> Historically, the Commission has evaluated allotment arrangements in situations where the proposed community of license is located within a larger, adjacent city's urbanized area under the standard established in RKO General (KFRC) ("KFRC"), 5 FCC Rcd 3222 (1990) and Faye and Richard Tuck, Inc. ("Tuck"), 3 FCC Rcd 5374 (1988). The Commission applies the standard to determine whether the proposed community of license is sufficiently independent of the urbanized area to justify granting it a first local service.<sup>3</sup> Applying the standard requires analyzing three criteria -- 1) signal population coverage, 2) the size of the proposed community relative to the adjacent city, and 3) the independence or interdependence of the proposed community of license from the central city of the urbanized area. Phase II's proposed reallocation fully satisfies these criteria.

**A. The Kenner reallocation will not impact WLTS's current signal population coverage.**

The purpose of the first Tuck factor is to determine the impact of how a station's signal coverage will vary under the new allotment. Many reallocations require station transmitter location changes to comply with FCC engineering parameters. These changes can increase or decrease the number of people who can receive a station's

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<sup>2</sup> The Commission has historically used the Census Bureau's Urbanized Area as the presumptive relevant metropolitan area for determining whether a community falls within the metropolitan area and must therefore prove its independence from the central city of the metropolitan area. Tuck, 3 FCC Rcd 5378, para. 48. Rand McNally (1996) reflects the Urbanized Area through the use of shading, and in Kenner's case, large portions of the city fall within the New Orleans Urbanized Area.

<sup>3</sup> Phase II submits that because portions of Kenner also fall outside the New Orleans Urbanized Area, this is a compelling indication of the city's independence from New Orleans and should directly offset any evidence presented under the Tuck standard which the Commission might deem insufficient.

signal. Moreover, some reallocations may be proposed so as to permit transmitter site moves closer to urban areas.<sup>4</sup> That is not the case in the instant reallocation.

In the context of the proposed reallocation, the signal coverage and therefore the service to surrounding communities, including Kenner and New Orleans, will not change at all. WLTS's current transmitter site is located just south of New Orleans, and places a 70 dBu signal over the communities of Slidell, Kenner, New Orleans and the entire New Orleans Urbanized Area (Exhibit A). Because the current 70 dBu signal will also encompass the proposed community of license,<sup>5</sup> Phase II will continue to maintain its current transmitter site.

Accordingly, the current WLTS signal population coverage will remain the same despite a change in the community of license. Because the allocation change will not result in any population coverage gain or loss to any of the presently covered communities, it will not create any underserved areas. Each community will continue to receive the same signals it presently receives.<sup>6</sup> Further, the allocation change will

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<sup>4</sup> In both situations, these reallocations involve significant shifts in the number of individuals who can receive the station's signal. These signal coverage changes are weighed heavily by the Commission. See e.g. Report and Order, Amendment of Section 73.202, Table of FM Allotments (LaMesa and Tahoka Texas), MM Docket No. 95-58, October 10, 1995; Report and Order, Amendment to Section 73.202, Table of FM Allotments (D'Berville and Wiggins, Mississippi), MM Docket No. 89-597, September 29, 1995. As set out in this petition, no such shift in signal population coverage will take place as part of Channel 287C's reallocation.

<sup>5</sup> Section 73.315 of the Commission's rules requires that a station's transmitter location provide a minimum field strength of 70 dBu over the entire principal community to be served. The present location of the WLTS transmitter will provide such coverage to Kenner, the proposed community of license.

<sup>6</sup> Radio stations currently licensed to New Orleans include AM stations WBOK, WBYU, WGSO, WLNO, WODT, WSHO, WSMB, WTX, WVOG, WWL, and WYLD. FM stations include WBSN, WEZB, WNOE, WQUE, WRBH, WRNO, WTKL, WTUL, WLMG, WWNO, WWOZ, WYLD. Broadcasting & Cable Yearbook, 1996, p. B-182-83. Phase II submits that its showing under Tuck that Kenner is independent of New Orleans precludes a finding that these stations are attributable to Kenner.

not deprive Slidell of a sole local service because of the continued presence of WSLA (AM) as its local aural transmission service.<sup>7</sup> The net result in the proposed reallocation from Kenner to Slidell will be that an additional 73,242 people will have a local radio service for the first time.

**B. Kenner's size and distance from New Orleans illustrate its autonomy as a wholly distinct community.**

The second Tuck factor examines the relative size and proximity of the proposed community of license with the adjacent central city.<sup>8</sup> Kenner is roughly 10 miles west of New Orleans and with a population of 73,242, is Louisiana's fifth most populous city. It is roughly one-sixth the size of New Orleans, which has a population of 496,938. Kenner is bounded on the north by Lake Pontchartrain, on the south by the Mississippi River, on the east by unincorporated Jefferson Parish (county), and on the west by St. Charles Parish. (Exhibit B). While none of the city's boundaries are contiguous with the city of New Orleans, major portions of Kenner are located within the New Orleans Urbanized Area.<sup>9</sup>

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To the contrary, because Kenner is independent of New Orleans, it has no local radio service and deserves a first-local service preference.

<sup>7</sup> In proceedings to change the community of license of an FM station, the availability of both FM and AM services are considered. See Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989), recon, granted in part, 5 FCC Rcd 7094 (1990). Therefore, WSLA's status as an AM station does not preclude it from constituting Slidell's local radio service.

<sup>8</sup> The size and proximity of the communities involved is potentially illustrative under the third Tuck factor of the interdependence of Kenner and New Orleans. Tuck, 3 FCC Rcd at 5378, para 34.

<sup>9</sup>Rand McNally, 1996.

**C. Kenner's commercial and municipal attributes establish its independence from New Orleans.**

The first two Tuck criteria are important, but less significant than a showing under the third criteria.<sup>10</sup> Under this criteria, a licensee must demonstrate that its proposed community of license is not interdependent on the adjacent urbanized area's central city. The Commission has historically considered eight factors to determine whether a particular community is sufficiently independent, namely:

- 1) the extent to which community residents work in the larger metropolitan area rather than the specified community;
- 2) whether the smaller community has its own newspaper or other media that covers the community's local needs and interests;
- 3) whether the community leaders and residents perceive the specified community as being an integral part of, or separate from, the larger metropolitan area;
- 4) whether the specified community has its own local government and elected officials;
- 5) whether the smaller community has its own zip code or telephone book;
- 6) whether the community has its own commercial establishments, health facilities, and transportation systems;
- 7) the extent to which the specified community and the central city are part of the same advertising market; and
- 8) the extent to which the specified community relies on the larger metropolitan area for various municipal services such as police, fire protection, schools, and libraries.<sup>11</sup>

Phase II submits that Kenner is substantially independent of New Orleans under the Commission's criteria, and therefore deserves its first local radio service. Beginning with the first factor, data from the Mayor of Kenner's office indicates that Kenner's labor force is estimated at 53,613. (Exhibit B). While some residents do

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<sup>10</sup> Tuck, 3 FCC Rcd 5374 (1988).

<sup>11</sup> See KREFC, 5 FCC Rcd at 3223; Tuck, 3 FCC Rcd at 5378.

work in the city of New Orleans, the majority of Kenner's working residents instead choose to work in Kenner or other areas outside New Orleans, thereby satisfying the first factor.

Under the second factor, Kenner has no local broadcast outlet serving its residents. There are currently no radio or television stations licensed to Kenner. The community does have a local newspaper, The Kenner Star which has been published monthly since 1991. (Exhibit C).

Both historical and current information sources illustrate that Kenner's leaders and residents perceive their community as separate and distinct from New Orleans, in satisfaction of the third factor. Beginning with the letter from the mayor of Kenner (Exhibit B), the mayor refers to "our city" and pinpoints the cities' full range of services to its citizens, including municipal, recreational and cultural services. Kenner residents pride themselves on their distinctive roots. The history of Kenner shows that the city dates back to 1852, when it was first incorporated. (Exhibit D). In 1855, a surveyor completed a map of the city, which bears many of the same street names still found there today. Kenner quickly became the largest vegetable center in the south and has thrived since. (Exhibit D). Local visitor's guides declare "Kenner has a history and spirit all its own," and hold out the community as having an "easy style," with attributes "like no other place in the region." (Exhibit E, p. 4). The numerous articles and editorials in The Kenner Star (Exhibit C) illustrate the perceptions of Kenner's leaders and residents regarding Kenner's autonomy from New Orleans on a wide variety of issues, including politics (p.1,23), tourism (p.10), business (p.18) and

recreation/entertainment (p.22). Kenner's residents have organized and regularly participate in a number of Civic Organizations, and take active roles in the community to preserve Kenner's unique appeal. (Exhibit F). For example, Kenner residents contribute to and maintain some 23 parks and recreational areas, which host a variety of seasonal children's sport leagues. (Exhibit J).

Phase II's Kenner reallocation proposal also satisfies the fourth and fifth factors. Under the fourth factor, Kenner has long had its own local government and elected officials. Kenner's first Mayor served in 1913. (Exhibit D). The city is a home rule charter city incorporated under the constitution and laws of the state of Louisiana, and is governed by an elected Mayor and a seven (7) person City Council. (Exhibit B). Under the fifth factor, the United States Postal Service has recognized Kenner's size and distinctiveness from surrounding communities, assigning the city not one but four zip codes to cover its 15 square miles. (Exhibit G).

Kenner also has its own commercial establishments and health facilities in satisfaction of the sixth factor. Hundreds of businesses operate in Kenner. Over 150 commercial establishments are located in Kenner's Esplanade Mall alone. (Exhibit E, p. 12-13). Several others are spread throughout the city, with concentrations in the Rivertown Historic District and on Williams Boulevard (Exhibit E, p. 14). Advertisements in the Kenner Star newspaper, visitor's guides, and city and festival brochures evidence still more businesses, including banks, restaurants, hotels, law firms, casinos, real estate companies and gift shops, all located in Kenner. (Exhibits C, E, H)

Kenner has its own hospital. The Kenner Regional Medical Center, a 300-bed hospital facility, has served residents of Kenner and surrounding communities since 1985. (Exhibit I). The hospital staff of 300 physicians provides a full range of services, including open-heart surgery, nephrology, oncology, plastic surgery, obstetrics and gynecology, general medicine and psychiatry. Kenner Regional also provides the community with educational and wellness programs.

Kenner's large business influence and growing population have propelled advertisers to directly target Kenner residents as separate and apart from New Orleans residents. (See Exhibits C, E, I). To be sure, there is some overlap in the Kenner and New Orleans advertising markets, but the degree of overlap varies widely depending on the product advertised or its location.

Finally, Kenner does not rely on New Orleans for municipal services. It maintains its own police, fire and recreation departments. For the 1996/97 fiscal year, Kenner's total operating budget of \$53.5 million devoted \$14.4 million to its police department, \$4.7 million to the fire department and an additional \$2.4 million for recreation. (Exhibit B). These services are separate from New Orleans and self-sufficient, and therefore satisfies the eighth and final factor.

As illustrated above, Kenner's commercial and municipal attributes are compelling reasons for concluding that Kenner is independent of New Orleans despite the inclusion of portions of the city within New Orleans' Urbanized Area. In addition to satisfying the third, and most important of the Tuck factors, Kenner's size and proximity to New Orleans and WLTS' signal population coverage are also satisfied

under the first and second Tuck factors. Therefore, for purposes of the Kenner allotment change, the evidence presented with respect to the Tuck factors overcomes any presumption that Kenner is merely an appendage of New Orleans. Based on this conclusion, the number of radio stations currently licensed to New Orleans (see fn. 6) should not be attributed to Kenner for purposes of determining whether Kenner is entitled to a first local service. Instead, because Kenner is independent of New Orleans, it must be considered a separate community, and because it has no licensed radio station, a community without current local radio service.

**II. The reallocation of Channel 287C from Slidell to Kenner would result in a preferred allotment arrangement consistent with the Commission's allotment priorities.**

Because Kenner is a separate and distinct community, changing WLTS's community of license from Slidell to Kenner would serve the public interest by achieving a preferred allotment arrangement under the Commission's allotment priorities. The Commission grants radio channel allotments based on specific priorities, one of which is providing a community with its first local service.<sup>12</sup> As asserted, there are no radio stations presently licensed to Kenner, and as a result, Kenner's 73,242 residents do not have a local radio service. The community of license change would therefore satisfy the Commission's local service priority.

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<sup>12</sup> The FM priorities are: 1) first full-time aural service, 2) second full-time aural service, 3) first local service, and 4) other public interest matters. See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1982). In considering the first local service priority, the Commission has stated that "there are virtually no populated areas of the country where the Commission's higher allotment priorities, such as first reception service, have not been attained. Therefore, as a practical matter, providing first local service is the highest of the Commission's priorities which remains in any significant degree unsatisfied." Community of License MO&O, 68 RR2d 647 (1990).


By retaining the existing allotment arrangement, Slidell, population 21,124, would continue in its current status with two full-time radio transmission services -- WLTS-FM and WSLA-AM, and Kenner's 73,242 residents would still not have a local radio service. Phase II submits that the public interest would be better served and the Commission's allotment priorities would be furthered by providing a first local service to Kenner rather than having two such services in Slidell for a smaller population. Slidell residents would not be deprived of any transmission service by changing WLTS' community of license to Kenner because Slidell will continue to receive the WLTS signal at its current strength of 70 dBu. The reallocation to Kenner therefore presents a gain-only opportunity for the Commission's allotment priorities by increasing the number of citizens who have first local service.

**III. Channel 287C can be allotted to Kenner in full compliance with the Commission's minimum distance separation and mutual exclusivity requirements.**

Channel 287C, WLTS currently meets the Commission's minimum distance separation requirements at its present transmitter location. Because Phase II does not contemplate a transmitter location change in conjunction with the requested allotment change, it will continue to meet the Commission's minimum separation requirements. Further, because Phase II is itself proposing Channel 287C's reallocation to Kenner, the allotment will be mutually exclusive with Channel 287C's present assignment to Slidell, in full compliance with the provisions of Section 1.402 (i) of the Commission's rules.

In view of the above, Phase II requests that the table of allotments be amended to add Channel 287C at Kenner, Louisiana and delete Channel 287C at Slidell, Louisiana, and that the Commission modify the license of station WLTS-FM to specify Kenner as its community of license.

Respectfully Submitted,




Ashton R. Hardy  
Bradford D. Carey  
Michael Lamers  
111 Veterans Memorial Blvd  
Suite 255  
Metairie, LA 70005  
(504) 830-4646

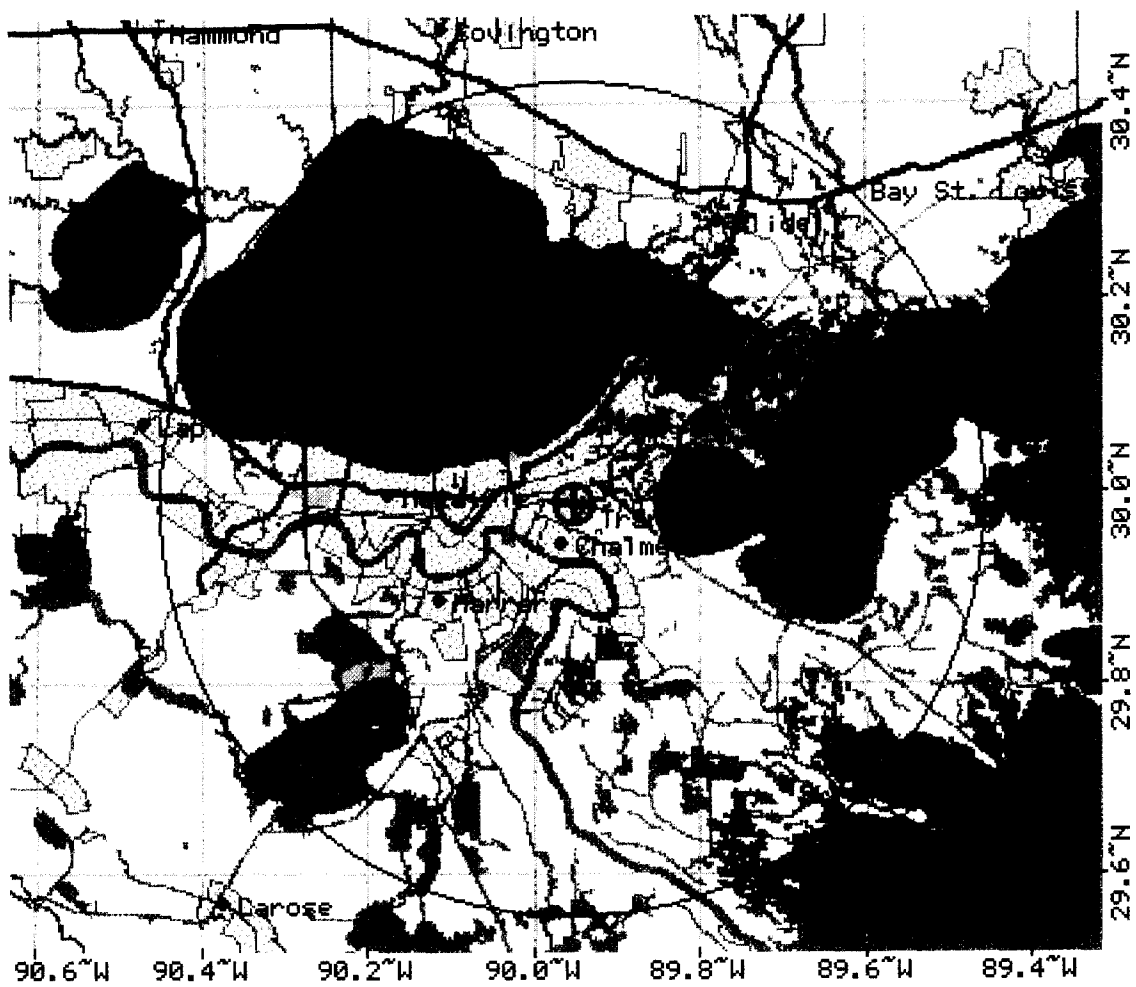
November 15, 1996

**EXHIBIT A  
WLTS SIGNAL  
COVERAGE**










### **Declaration Under Penalty of Perjury**

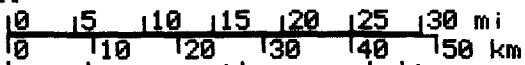
I declare under penalty of perjury that: 1) the attached map (Exhibit B) was prepared by me or under my direction; 2) the Kenner corporate boundary on the map is outlined in green; 2) the WLTS-FM 70 dBu (3.16 mV/m) city grade contour is the red circle; and 3) the entire city of Kenner, even the wet part, is well within the 70 dBu contour.

  
Joseph Pollet  
Engineer, WLTS-FM



# LEGEND

- |   |  |
|---|--|
|  Indian Resv     |  City   |
|  Lake/Pond/Ocean |  County |
|  Expressway      |  |
|  Highway         |  |
|  Stream          |  |
|  Military Area   |  |
|  National Park   |  |

Scale 1:914663   
\*average--true scale depends on monitor resolution

**EXHIBIT B**  
**MAYOR'S LETTER**



# CITY OF KENNER

**Louis J. Congemi**  
MAYOR

September 25, 1996

Ms. Billie B. Mathews  
WLTS Lite Rock 105  
3525 N. Causeway Blvd., Ste. 1053  
Metairie, LA 70002

Post-It® Fax Note		7671	Date	9/30/96	# of pages	2
To	Tasha Larnum		From	Billie		
Co/Dept.			Co.			
Phone #			Phone #			
Fax #	830-4659		Fax #			

Dear Ms. Mathews:

Thank you for your interest in our city. It is my pleasure to provide the information you requested.

The City of Kenner is the largest incorporated area in Jefferson Parish, which is a suburban parish. Our community is bounded on the north by Lake Pontchartrain, on the south by the Mississippi River, on the east by unincorporated Jefferson Parish, and on the west by St. Charles Parish. The City has a total area of approximately 15 square miles and a population of 73,242. The City of Kenner's labor force is estimated at 53,613.

The City is a home rule charter city incorporated under the Constitution and Laws of the State of Louisiana. Kenner is governed by an elected Mayor and a seven (7) person Council.

Kenner provides a full range of services to its community. These services include Police and Fire protection; sanitation services; the construction and maintenance of highways, streets and infrastructure. The City of Kenner also offers its residents one of the best recreational programs and activities in the area. Cultural events are also one of the many community functions available to the residents by the City.

Total operating budget for 1996/1997 fiscal year is \$53.5 million. The following is an example of some departmental budgets:

POLICE:	\$14.4 Million
FIRE:	\$ 4.7 Million
RECREATION:	\$ 2.4 Million

Office Of The Mayor

Billie B. Mathews  
September 25, 1996

- Page 2 -

I trust this is the information you required. Please contact me if I can be of further assistance to you. With kindest regards, I remain

Sincerely,

CITY OF KENNER

A handwritten signature in cursive script, appearing to read "Louis J. Congemi".

Louis J. Congemi  
Mayor

LJC/rs

EXHIBIT C  
KENNER STAR  
NEWSPAPER

Gulf War Vets Honored with Memorial Service  
Mayor Congemi On Treasure Chest's Progress  
Legislators Explain Voting Changes

LOOK FOR KENNER STAR  
ELECTION SPECIAL  
SAMPLE BALLOT  
MAILED OCTOBER 30

# Kenner Star

VOL 5, NO. 10

KENNER'S LOCAL NEWSPAPER SINCE 1991

OCTOBER 1996

## Kenner Celebrates "Open House Month Throughout November

The month of November is Kenner's month to shine as it celebrates "Kenner Open House." For the tenth consecutive year, the city is inviting residents and visitors alike to a month-long celebration of value-rich shopping and special events for the entire family.

Kenner Mayor Louis Congemi and the entire Kenner City Council are rolling out the red carpet, inviting everyone to visit the city during this special month. Entertainment, attractions, events and family fun surround this spectacular month of hospitality. Free weekend admission to all of the River-town museums, a special pre-Veterans Day celebration and the opening festivities of Kenner's Christmas Village are just a few of the many attractions designed to spotlight one of Louisiana's largest cities.

Mayor Congemi and the Kenner City Council will officially kickoff "Kenner Open House" on Thursday, October 31, beginning at 12:00 p.m. The opening ceremonies will take place at the Laketown Gazebo and Halloween Pumpkin Patch (Williams Boulevard at Lake Pontchartrain). Free entertainment and refreshments will be provided to the general public who show up to help launch the tenth "Open House" festivities.

The event-filled month features an array of special events for the entire family. During November, *The Times-Picayune* will host its annual "Open House Photography Contest." Winning photos depicting the best sights in and around Kenner will be displayed at the Freeport McMoran Daily Living Science Center-Observatory from November 13-30.

For the cultural enthusiasts, Neil Simon's "The Good Doctor," will open at the Rivertown Repertory Theatre on November 14. In addition, the Rivertown Fine Art Gallery will display works by featured artists Catharina Vandegraaf and Emma W. Palencia during the month, with a special Gallery Reception on November 16, 1996, from 6:00 - 9:00 p.m.

Continuing an annual tradition, Kenner postal carriers will sponsor the "Open House Food Drive for the Needy" from November 18-23, 1996. If you do not know what to do with your old winter coats, simply drop them off all month long at any of

*continued on page 6*

## \$9 Million At Stake In November 5 Election

To say that the upcoming election on November 5 is important to Kenner is truly an understatement. The city of Kenner's financial stake in the November 5 referendum is valued at \$9.3 million, the amount of gaming revenues budgeted for fiscal year 1996-1997.

"Over the past three years, gaming revenues have grown from \$1.4 million to the present budget estimate of \$9.3 million," stated Charlotte Burnell, Chief Administrative Officer for the city of Kenner. "Gaming revenues now account

*continued on page 23*



Before...



and after Treasure Chest Casino sailed into Kenner. The city recently completed \$2.5 million of improvements to the Laketown area. These improvements were funded solely with money generated from the city's lease agreement with the casino. A series of "Live the Levee at Laketown" concerts at this site are planned as free outdoor entertainment for the public.

## Branigan To Face DeFrancesch In Runoff For District 4 Seat



Michele Branigan



Marie DeFrancesch

On September 21, voters confirmed what many polls had been stating all along — Michele Branigan is the person to beat in the District 4 councilmanic race in Kenner. With 7 of 7 precincts reporting, Branigan polled 1,471 votes (38%) to finish first in the primary election.

Although her opponents say that Branigan's success is largely due to the support she has received from Mayor Louis Congemi and others at City Hall, Branigan is

*continued on page 24*

## September 21 Election Results

## Capella, Connick Advance To Runoff For Jefferson DA

By GEORGE L. DRAKE

In one of the most hotly contested races in Jefferson Parish history, Jack Capella and Paul Connick, Jr. advanced to the next round of competition in the race for District Attorney of Jefferson Parish. With 265 of 265 precincts reporting, Capella amassed 46,942 votes (39%) to finish first in the four-candidate contest. Connick claimed the second spot in the race, finishing with 41,908 votes (35%). Eliminated from the race were Fred Heebe and Vinny Mosca, who captured 28,903 votes (24%) and 3,461 votes (3%), respectively.

"This has been a great journey," stated Capella, as he waved to a crowd of supporters at the Pontchartrain Center. "I did as much as I could for as long as I could. This race is not about Jack Capella. It is about the DA's office and the people in the DA's office, and they are here tonight. The credit goes to them."

*continued on page 27*

PHOTOS BY JIM VANCE



By ALLAN KATZ

I have to confess. I was not only surprised when DA Jack Capella ran first in the September 21 primary, but I was also foolish enough to bet a steak dinner on the outcome.

Unfortunately for me, I was betting against Sheriff Harry Lee, a man whose appetite is the subject of legend. I'm checking with my bank to see if they will increase my line of credit before we go to dinner.

Nevertheless, let's give credit to Capella. His campaign got off to a rocky start, while his leading opponent, Paul Connick, began with a smooth and effective appeal to get rid of the "old machine" that has dominated the Jefferson Parish DA's office since 1924.

Then, Capella rallied, taking charge of his own campaign. He also benefited from the support of Sheriff Lee and Council Chairman Aaron Broussard. Later, Capella

got some unexpected help from Fred Heebe, the third-place finisher. Heebe's anti-lawyer campaign lured a lot of reform votes away from Connick, thereby making it possible for Capella to run first in the primary.

Now, the runoff ought to be considered a tossup. Presumably, many of those Heebe voters will now find their way to Connick, who is the sole anti-establishment candidate. Then again, Capella, the Republican in the race, will probably benefit from the tremendous surge throughout Jefferson Parish for Woody Jenkins, the Republican standard-bearer.

Capella has now emerged as a formidable campaigner.

Connick's challenge is to rally with renewed energy as the outsider who can reform the DA's office. A key factor in the campaign could be Connick's support from *The Times-Picayune*. The giant newspaper can lift its candidates in many different ways, when they choose to do so.

### District 4 Runoff

There were no surprises in the primary, with Michele Branigan running first and

Maria DeFrancesch slipping into the second spot of the runoff. Branigan should win the runoff in November.

What Branigan and DeFrancesch have in common is that both are great campaigners, knocking on doors day after day, in good weather and bad. All candidates claim to knock doors, but these two campaigners really do it.

I thought Branigan's edge in the primary was that she had a terrific network in place throughout the district, thanks in large part to a long history of involvement in church, civic and neighborhood activities. DeFrancesch made Branigan's support at City Hall an issue in the campaign. That may be what lifted her into the runoff.

### Gaming Referendum

There's little doubt in my mind that, on November 5, Kenner will overwhelmingly vote to keep riverboats in Jefferson Parish. The Treasure Chest has done a great job of community relations, giving more than \$100,000 annually to good causes in Kenner.

Beyond that, 16.7 percent of Kenner's annual budget is funded from gaming rev-

enues, principally thanks to the Treasure Chest. All property tax generated each year contributes only 8.1 percent to the budget, less than half of the revenue generated by the Treasure Chest. The new presence of the Treasure Chest in Kenner can arguably be credited with helping the city achieve a 25 percent increase in sales tax. There has also been a 10 percent increase in occupational licenses since Treasure Chest has been in operation.

More than half of the Treasure Chest's employees are Kenner residents. The presence of a gaming boat in Kenner has not led to an increase in crime or traffic in the city. Indeed, gaming revenues have helped Police Chief Nick Congemi build one of the best police departments in Louisiana.

I look for Jefferson voters to approve keeping both the Treasure Chest in Kenner and Boomtown in Harvey by a comfortable margin.

The surprise may be video poker. Sheriff Lee is mounting a campaign to inform Jefferson voters that the parish gets \$4 million a year in revenues from video poker. That translates into \$40 million over the

*continued on page 16*

## From the Editor

# DA's Race A Tossup, Branigan Early Favorite In District 4 Runoff, Riverboats Likely Winners

## KennerStar

OCTOBER 1996 VOL 5 NO 10

Publisher  
TROY BROUSSARD

Editor  
ALLAN KATZ

Managing Editor/Marketing Director  
CANDY LOVITT

Staff Writer/Editor  
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Contributing Photographer  
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Sports Writers  
KEN TRAHAN

Contributing Writers  
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LOUIS CONGEMI DANNY MARTINY  
GLENN ANSARDI

Typography  
PAULA COUGHLIN/TYPOSITION

Distribution Manager  
GEORGE L. DRAKE

Printing  
DIXIE WEB GRAPHICS

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By JOHN MAGINNIS

More than a few people I talked to in the final week of the Senate primary said they could hardly believe they were voting for Woody Jenkins, but were doing so in order to have some choice in November. Jenkins maintained his strong Christian Coalition base and added to it with conservatives seeking, if not a consensus, at least a contestant. They were the strategic conservatives who may have liked another Republican candidate more, but knew what they had to do to keep two Democrats from making the runoff. Now, having voted once for Jenkins, doing it again will not be such a stretch.

In the closing weeks of the primary, Jenkins' white support zoomed from single digits to 37 percent. Landrieu polled a steady 20 percent of the white vote throughout the race, finishing with 23 percent. She will need 35 percent of the white vote and 90 percent of the black vote (with a good black turnout) to win in November. That means winning over nearly all of Ieyoub's support in Acadiana (he had 9 percent of the white vote

## Political Review

### Find The Mainstream

statewide) and converting some of the other Republican candidates' voters. This is doable on paper, but, politically, a real challenge for Landrieu, who was not the first choice of either group of voters.

As for the black vote, political history was made when, for the first time since the open primary began, the candidate with the most African-American votes did not make the runoff. Richard Ieyoub swamped Landrieu among blacks, 57-27 percent, even though late polls showed them almost even in the black community. Only 14,000 voters, or a little more street money for Ieyoub, could have repeated Landrieu's 1995 nightmare from the governor's race.

Cleo Fields may endorse Mary Landrieu, with a lot of encouragement from Bill Clinton and John Breaux, but hard feelings will linger between this year's runoff Democrat and last year's, and among black leaders and voters. Black voters will show up for Clinton, but some could send Landrieu a message — that they have not forgotten — by not voting for U.S. Senator. She has a lot of work to do among black voters.

### GOP Shelling

The primary results could have been skewed by Republican dominance of the airwaves in the final week. Not only

did the national party contribute \$250,000 to Jenkins' closing barrage, but they also plowed \$500,000 into attack ads against the two Democrats. Ieyoub received most of the lead, but some of that weight dragged down Landrieu, too.

The state Democratic party did not begin attacking Jenkins until the final days, when it was too late to stem the Woody surge.

There will be even more negative ads in the runoff, but they will be balanced from the guns of both parties. Woody Jenkins is still barely known by many of the people who voted for him. They will be learning more about Woody in the coming weeks, and it will not be all good.

### The Moving Mainstream

Mary Landrieu's team lost no time in trying to frame the runoff with their mantra, "Mainstream and not the Extreme." A cute slogan, but, in this state, it is not always easy to tell where the mainstream is. Among whites, that stream is cutting further to the right every day.

To call someone *extreme*, you have to make it stick. Though some of Jenkins' views may be radical to some voters (like his abortion stand to pro-choice supporters), most folks feel that Jenkins looks and speaks very normally. He has a nor-

*continued on page 16*

## Community

### AAU and BCI Sporting Events Return To Pontchartrain Center In '97

By FORREST "BUCKY" LANNING  
President, Kenner AAU Sports Foundation

To say that the Kenner Convention & Visitors Bureau (KCVB) is beneficial to the city of Kenner is certainly an understatement. As a result of the KCVB's efforts at the recently concluded 1996 National AAU Convention, the city of Kenner was selected as the host site for mega-economic impact events in 1997 and 1998.

In 1997, the city of Kenner will host the National Invitational Championship (NIC) for 10, 12, 14, and 16-year olds. The tournaments will be restricted to 24 teams in each age group. This translates into a total of 96 teams coming to Kenner to participate in the tournament. Although the exact dates of the tournament have not been confirmed, it will tentatively take place sometime between June 30-July 8, 1997.

Additionally, the Basketball Congress International (BCI) Little Swishers National Tournament is returning to Kenner in 1997. Approximately 75-80 teams

from across the United States will arrive in Kenner on July 4 to participate in this prestigious tournament.

Turning to 1998, the National Invitational Championship is also returning to Kenner. There is high anticipation that the tournament will expand its format to include 32 teams in each age group, a move that will increase the number of teams participating in the tournament to a total of 128. Needless to say, the economic impact of this tournament will rocket upward. The NIC may well develop into an annual event for the city.

Another coup for the city will take place on July 3-11, 1998, when Kenner plays host to 72 teams participating in the National AAU 11-and-Under Championship.

All of these events will bring many visitors to our city. With a projected economic impact of over \$12 million, these sporting events bring fame and fortune to the city of Kenner. For yet another time, the KCVB is working to keep Kenner *On The Move*. ★

### Automated Garbage Collection Pilot Program Kicks Off

Selected neighborhoods throughout Kenner have begun to participate in a new garbage collection program. On September 16, 1996, Waste Management of New Orleans put a new automated collection pilot program into effect. The 96-gallon carts used in the program were delivered to 1,804 pilot homes in preparation for the debut of the new program.

"We selected homes in each council district throughout Kenner that reflect the overall mix of residents," explained Residential Division President Brown Marks. "We'll continue to collect at these homes twice per week, except our equipment will be different. Instead of seeing rear-loaders with hoppers, residents will now see our new automated vehicles."

The five neighborhoods included in this program include:

- 1) District 1: Williams Boulevard to Filmore Street, between Third Street and Airline Highway.
- 2) District 2: Williams Boulevard to Clay Street, between West Metairie and Airline Highway.
- 3) District 3: Driftwood Boulevard to Vintage Boulevard, between Martinique Avenue and Golpi Avenue, including Idaho Avenue, between Granada Street and Vintage Drive.
- 4) District 4: Chateau Boulevard to Normandy Drive, between Sunset Boulevard and Vintage Drive.
- 5) District 5: Woodlake subdivision.

During the past few months, automated collection programs were instituted by Waste Management in Harahan, St.

Bernard and parts of St. Charles Parish. "Collection of garbage now goes smoother and quicker," stated Marks. "Trucks get out in a more timely manner, especially since drivers no longer have to wait for hoppers to arrive."

"We've gotten very positive feedback from residents, even elderly residents who were concerned over the size and potential weight of a full cart," added Marks. "Basically, everyone is pleased. Overall, the new system is a lot easier to use."

Over the next few weeks, Kenner City Council members will poll their constituents about the automated collection program. If the councilmen hear favorable information, the program will be instituted throughout Kenner in the near future.

"We hope that the pilot residents will have the same experience that other residents have had during the past few months," said Marks. "If that's the case, then it will just take a few weeks to get a full program up and running in Kenner."

Like the other automated collection programs, Kenner's pilot residents will simply roll their durable carts to the curb and position them for pick-up. The automated vehicle comes along and picks up the cart with its mechanical arm. The contents of the cart are then dumped into the bin, after which the cart is then placed back on the curb. The driver controls the entire operation from the vehicle's cab.

Residents with questions about the program or those needing assistance are encouraged to call Waste Management of New Orleans at (504) 254-5353. ★



### Your Community Chiropractor

- Jefferson Alliance For Good Government
- Dutch Duke Mens Club (Booster Club)
- Kenner Adult Day Health Care Center
- Kenner Lions Club
- Kenner Planning Commission

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### Air Force Memorial For Gulf War Vets To Be Dedicated

Mayor Louis J. Congemi and the Kenner City Council are inviting the general public to a pre-Veterans Day Celebration to dedicate the newest sculpture in the "Century of Sentries" Memorial — the *Air Force in the Gulf War*. The sculpture will be unveiled in a special pre-Veterans Day Celebration to be held on November 8, 1996, in Kenner's Veterans Park. Festivities will commence at 10:00 a.m.

The *Air Force in the Gulf War* sculpture is dedicated to the Air Force 926th Tactical Fighter Group, based at the Naval Air Station Joint Reserve Base in New Orleans, and depicts a uniformed A-10 fighter pilot in the Desert Storm conflict. The sculpture, cast in bronze with a granite base, was created by local artist, Lorraine Eberts, and sponsored by Sheriff Harry Lee.

Presiding over the ceremony will be Kenner Mayor Louis J. Congemi, who will introduce the keynote speaker, Lieutenant Colonel Seth Wilson, Squadron Commander of the 706th Fighter Squadron. Mayor Congemi will also recognize members of the 926th Tactical Fighter Group, with special thanks to Desert Storm veteran Mark

Mikelonis, the model for the sculpture; American Legion and VFW Post Commanders; and Sheriff Harry Lee, sponsor of the Air Force sculpture. Lieutenant Colonel Bordelon and Sheriff Lee will join with Mayor Congemi and the Kenner City Council in the unveiling ceremony.

The general public is invited to the dedication festivities and salute to the Gulf War which will include the ceremony, entertainment and refreshments. Participating in the ceremony will be the Air Force Color Guard.

Kenner's Veterans Park is located at 1801 Williams Boulevard in Kenner. For additional information about the pre-Veterans Day Celebration, contact Kenner Community Services at 468-7293. ★

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## Government

# Weighing The Pros And Cons Of Gaming On Kenner



By LOUIS CONGEMI  
KENNER MAYOR

Recently, we faced the first of two gaming issues in our community. Amendment No. 1 on the September 21 ballot finally gave the citizens of Kenner an opportunity to have local control of gaming in our community. With the passage of Amendment No. 1, we must now consider the role that gaming has played in the city of Kenner.

On November 5, 1996, House Bill No. 7 will appear on the election ballot. This bill will allow individual parishes to decide whether to allow existing gaming operations, including video poker and gaming boats, to continue in their area. The choice will be yours to make. Before casting your ballot, however, you should be aware of the facts concerning gaming in Kenner and how the presence of gaming has directly affected our community.

As a councilman, I was opposed to the idea of a gaming vessel coming to Kenner. Like many of you, I was very skeptical to the claims that gaming would bring economic benefits to the city. I was also very concerned that the increased demands on

our infrastructure and city services would have a detrimental effect on our quality of life in Kenner.

Because of those concerns, Kenner officials placed very strict requirements in the lease agreement with Treasure Chest Casino BEFORE they were allowed to open for business in Kenner. It was also agreed that all gaming revenues from video poker and the Treasure Chest would be treated as non-recurring and thus used only for capital expenditures and/or debt reduction.

As mayor, I thought I should give you some data on the actual impact gaming has had on Kenner so that everyone can make an educated decision as to its future on November 5, 1996.

Since gaming began in our city, the number of businesses applying for occupational licenses has increased by over 10 percent and sales tax revenues have increased by nearly 25 percent. Also, of the 1,200 full-time employees at the Treasure Chest, over 50 percent reside in Kenner.

The city had been without a Capital Budget since 1985. As a result of gaming funds, however, nearly \$7 million will be in the Capital Budget next year. The citizens of Kenner have already witnessed major infrastructure improvements and upgrades to our playgrounds from the \$4.5 million spent since 1995. The construction of two new gymnasiums and the improvements to the Senior Citizens Center were made pos-

sible with gaming funds.

Under the 1996-1997 Capital Budget, the city will be able to purchase major fire equipment and work towards regaining the Class 2 Fire Rating we once enjoyed. We will also continue working toward the completion of various projects, including the city-wide Drainage Master Plan, road maintenance and the purchase of property for a new Kenner Fire Station.

The Kenner Police Department has also benefited substantially from gaming revenues. Some of the advancements that the police have received include a state-of-the-art training facility, contemporary rescue and mobile command vehicles and an upgraded communications system, all of which provide faster response for police service calls. The Police Department also receives \$2.5 million from gaming revenues

that is added directly to their budget.

The Kenner City Council has also joined with Jefferson Parish, passing a resolution that dedicates all video poker revenues for the next three years to the construction of a new jail in Jefferson Parish. (RECALL: Previous funding plans for a new jail have always involved additional taxes.)

I know there are both pros and cons to the gaming issue in other areas. You do not have to look very far to find parishes where gaming has not lived up to its promise. I think our experience in Kenner shows that gaming can benefit a community, if managed correctly. If we, as a community, decide to keep gaming on November 5, it is imperative that we remain committed to using gaming revenues as a source for enhancements — not necessities — of government. ★

## It's Decision Time In Kenner

By TERRY MCCARTHY  
KENNER CITY COUNCIL PRESIDENT



As the then District 5 Councilman in the city of Kenner, I was faced with a very tough vote in the summer of 1992. The state of Louisiana, through the Riverboat Commission

and with no input from your elected Kenner officials, decided that a riverboat casino would be permitted on Lake Pontchartrain in the city of Kenner. To say the least, this decision by the state deeply divided our community.

In an effort to make my decision on voting whether or not to lease property to Treasure Chest Casino so that it could be located in the Laketown area, I met with hundreds of my constituents, called and attended numerous civic meetings and performed a poll of residents in District 5. The majority of people surveyed, as well as the residents I met, did not oppose the riverboat project.

However, the opponents of the project feared the potential dangers of increased crime, decreased property values and increased traffic. After visiting other communities with riverboat casinos, Police Chief Congemi assured me that crime would not be a problem. Real estate experts advised me that property values would actually increase because of the riverboat, not decrease as many people feared. The various traffic experts informed me that traffic would not be a problem. Armed with this information, I made an "informed" decision, voting to lease city land to Treasure Chest Casino.

On September 2, 1996, Treasure Chest Casino celebrated its second year anniversary in the city of Kenner. In terms of straining city services, the negative impact

of this new industry has been minimal. The opponents of the riverboat who feared that crime would increase, property values would decrease and traffic would be simply intolerable have found that none of their fears ever materialized. On the contrary, Kenner now has MORE police on the street than ever before. Traffic on the main arteries of Kenner flows smoothly and efficiently. Property values in the Parish of Jefferson/Kenner have increased at a record pace in 1996. Our local restaurants, hotels and businesses have seen some positive impact since the arrival of the casino. Likewise, the city's sales taxes have exceeded budget projections.

Since the Treasure Chest began operating in Kenner, the city receives \$9 million a year in revenues for allowing the riverboat to locate in Kenner. The donations which the riverboat has made to the citizens and organizations of our community, as well as the entertainment value of the riverboat, greatly exceeded everyone's expectations.

In the summer of 1992, I had an opportunity to vote the will of my constituents on the matter concerning the riverboat casino. On the fateful day, I voted YES to the Treasure Chest.

Finally, on November 5, 1996, you will have a chance to vote on the riverboat casino. The decision is yours to make. As your Kenner Councilman-at-Large, I will support whatever decision you make. ★



Dear Friend,

I would like to thank all of you whose vote and support carried us to a first-place finish in Saturday's primary.

Although I walked the district twice before primary election day, I still have not met all of you. I hope to correct this when I walk the district again between now and November 5. I especially look forward to talking with those

of you who supported someone else in the primary. I hope you'll give me the chance to earn your vote.

But, our task isn't complete yet, I need your help again for the November 5th run-off election.

Sincerely,

*Michele Branigan*  
Michele Branigan

P.S. As usual I couldn't wait. I started walking the district again last week.

**Branigan** Michele

**Remember  
To  
VOTE  
November 5**